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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Sweet Water Co-op Water System
3928 Kip Street
Inyokern, CA 93527

Attn: Craig Wilson, Board Member
Sweet Water Co-op Water System

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1500591**

June 2015

C I T A T I O N N O. 03-19-15C-010

Issued on July 20, 2015

STATEMENT OF FACTS

Sweet Water Co-op Water System (hereinafter Water System) is classified as a community Water System and serves a population of approximately 25 persons through 16 service connections. The Water System operates under the authority of Permit Number 591, issued on April 17, 1984, by the Kern County Department of Environmental Health.

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with

1 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
2 or order issued or adopted thereunder.

3 The State Water Resources Control Board, acting by and through its Division of
4 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
5 (hereinafter "Deputy Director"), hereby issues a citation to Sweet Water Co-op Water
6 System (mailing address: 3928 Kip Street, Inyokern, CA 93527) for violation of
7 California Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).

- 8 • The Water System collects one (1) routine distribution system bacteriological
9 sample per month.
- 10 • One (1) routine bacteriological quality sample collected on June 2, 2015, from
11 the distribution system, tested positive for total coliform bacteria.
- 12 • All three (3) repeat bacteriological quality samples collected on June 4, 2015,
13 from the distribution system, tested positive for total coliform bacteria.
- 14 • One (1) repeat bacteriological sample collected on June 4, 2015 from Well 01
15 (also counted towards the Ground Water Rule's trigger source sampling
16 requirement), also tested positive for total coliform bacteria.
- 17 • **Sweet Water Co-op Water System failed the total coliform maximum
18 contaminant level (MCL) for June 2015 [Section 64426.1(b)(2),
19 Authorities].**
- 20 • On June 5, 2015, Scoot Moore of Seaco Technologies, Designated Operator
21 and contract sampler for the Water System, notified the Division by telephone
22 that the Water System failed the total coliform MCL for June 2015.

- 1 • On June 15, 2015, following inspection, disinfection and flushing of Well 01
2 and the distribution system, four investigative samples were collected from the
3 distribution system. Three (3) out of these four (4) investigative samples tested
4 positive for total coliform bacteria.
- 5 • One (1) investigative bacteriological sample collected on June 15, 2015, from
6 Well 01, also tested positive for total coliform bacteria.
- 7 • On June 17, 2015, following another round of inspection, disinfection and
8 flushing of Well 01 and the distribution system, four (4) samples were
9 collected from the distribution system, and they all tested negative for total
10 coliform bacteria.
- 11 • On June 17, 2015, one (1) investigative bacteriological sample collected from
12 Well 01, tested positive for total coliform bacteria.
- 13 • After additional disinfection of the Well 01, a bacteriological sample was
14 collected from Well 01 on June 22, 2015, and was analyzed for Most Probable
15 Number (MPN) of colony forming units. The result was 1.0 MPN/100ml.
- 16 • Another bacteriological sample was collected from Well 01 on June 29, 2015,
17 and was analyzed for Most Probable Number (MPN) of colony forming units.
18 The result was 0.0 MPN/100ml.
- 19 • On June 23, 2015, a public notice and Certification of Completion of Public
20 Notification were emailed to the Water System for the June 2015 total coliform
21 MCL failure.
- 22 • On June 29, 2015, the Division received signed and dated copies of the
23 Certification of Completion of Public Notification and the public notice.
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1 According to these documents, public notification was completed on June 25,
2 2015.

- 3 • On June 23, 2015, an investigation report was emailed to the Water System, for
4 the May 2015 total coliform MCL failure.
- 5 • On July 9, 2015, the Division received a completed copy of the investigation
6 report. The investigation report was completed by Scott Moore. According to
7 the investigation report, a possible cause of the total coliform positive samples
8 was described as a significant amount of sediment in the storage tanks. The
9 Water System will need to clean the storage tank.
- 10 • None of the total coliform positive samples collected in June 2015 tested
11 positive for E. coli bacteria.
- 12 • In July 2015, five (5) routine bacteriological samples collected from the
13 distribution system, tested negative for total coliform bacteria.
- 14 • Results of all (source and distribution) bacteriological samples collected from
15 January 2015 to July 2015 are summarized in **Attachment A**.

16 **AUTHORITIES**

17 **Section 116577 of the CHSC**, states in relevant part:

18 “(a) Each public water system shall reimburse the Division for the actual costs incurred by the
19 Division for any of the following enforcement activities related to that water system:

- 20 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 21 (2) Preparing, and issuing public notification

22 ...

23 (b) The Division shall submit an invoice for these enforcement costs to the public water system
24 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
25 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and
26 the hourly cost rate of the Division. The costs set forth in the invoice shall not exceed the total actual
27 costs to the Division of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the Division determines that a public water system is in violation of this chapter or any
regulation, permit, standard, or order issued or adopted thereunder, the Division may issue a citation to



the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the Division may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the Division may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The Division shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any Division regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the Division determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the Division.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week



<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424(d) establishes the repeat sampling requirements for total coliform positive samples and states in relevant part:

"(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation."

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Division or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Division by the end of the business day on which this is determined, unless the determination occurs after the Division office is closed, in which case the supplier shall notify the Division within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the Division has determined that the Sweet Water Co-op Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for June 2015, when more than one sample collected in June 2015, tested positive for total coliform bacteria.



1 The above violation is classified as a non-continuing violation.

2
3 **DIRECTIVES**

4 Sweet Water Co-op Water System is hereby directed to take the following actions:

- 5
- 6 1. Cease and desist from failing to comply with Section 116555(a) of the
7 California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title
8 22, California Code of Regulations.
 - 9 2. By July 31, 2015, the Water System shall submit a plan and time schedule for
10 cleaning the sediment in the storage tank.
 - 11 3. The Water System shall reimburse the Division, in accordance with an invoice
12 that shall be provided to the Water System, the costs for enforcement activities,
13 and such reimbursement shall be made prior to September 1 (or by a different
14 date if specified by the Division) of the fiscal year following the fiscal year in
15 which such costs are incurred as described in CHSC Sections 116577(a)(1-2)
16 and 116577(b).
- 17

18 **FURTHER ENFORCEMENT ACTIONS**

19 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Division
20 to: issue additional citations with assessment of penalties if a public water system
21 continues to fail or correct a violation identified in a citation; take action to suspend or
22 revoke a permit that has been issued to a public water system if the system has violated
23 applicable law or regulations or has failed to comply with orders of the Division; and
24 petition the superior court to take various enforcement measures against a public water
25 system that has failed to comply with orders of the Division. The Division does not
26 waive any further enforcement action by issuance of this citation.

27



PARTIES BOUND

This citation shall apply to and be binding upon Sweet Water Co-op Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Sweet Water Co-op Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Division imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

July 20, 2015
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

Certified Mail No. 7015 0920 0000 3175 8266

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – July 2015

CC: Kern County Environmental Health Services Department (w/o attachment)
Scott Moore, Designated Operator (via e-mail)

JSD/dc



Attachment A

Sweet Water Co-op

1500591

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/7/2015	12:52	3949 Mesquite	A	A		Routine			
2/4/2015	10:55	4053 Mesquite St.	A	A		Routine			
3/3/2015	10:52	3921 Mesquite St.	A	A		Routine			
4/2/2015	9:49	3928 N. Kip St.	A	A		Routine			
5/6/2015	10:45	4018 Mesquite St.	A	A		Routine			
6/2/2015	10:06	3949 Mesquite HB	P	A		Routine	0.06		
6/4/2015	11:04	3949 Mesquite HB	P	A		Repeat	0.06		
6/4/2015	11:20	4053 Mesquite HB	P	A		Repeat	0.06		
6/4/2015	11:52	3921 Mesquite HB	P	A		Repeat	0.00	MCL	Citation 03-19-15-010 issued
6/15/2015	9:32	3949 Mesquite HB	P	A		Repeat	0.15		
6/15/2015	9:32	3949 Mesquite HB	P	A		Repeat	0.15		
6/15/2015	9:49	3921 Mesquite HB	P	A		Repeat	0.08		
6/15/2015	9:58	4053 Mesquite HB	A	A		Repeat	0.08		
6/17/2015	10:00	3949 Mesquite HB	A	A		Repeat	2.14		
6/17/2015	10:05	3949 Mesquite HB	A	A		Repeat	2.16		
6/17/2015	10:33	3921 Mesquite HB	A	A		Repeat	2.11		
6/17/2015	10:46	4053 Mesquite HB	A	A		Repeat	0.15		

Sweet Water Co-op

1500591

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
6/4/2015	10:43	Well 001 / Repeat	P	A			GWR compliance
6/15/2015	9:22	Well 001 / Repeat	P	A			
6/17/2015	9:49	Well 001 / Repeat	P	A			
6/22/2015	9:38	Well 001	1.0	0.0			
6/29/2015	10:05	Well 001 / Repeat	A	A			
